

REMARKS / DISCUSSION OF ISSUES

Claims 1-18 are pending in the application. Claims 1, 11, 17 and 18 are the independent claims.

Amendments to the Claims

The amendments to the claims are non-statutory in nature. For example, amendments to remove reference characters, which are required in European practice, have been deleted. Amendments are not made in view of art.

Allowable Subject Matter

Applicants gratefully acknowledge the indication of the allowability of claims 1-18 over the art of record. Applicants respectfully submit that all claims are in condition for allowance for at least the reasons set forth below.

Rejections under 35 U.S.C. § 112, ¶2

Claims 1-18 are rejected under 35 U.S.C. § 112, ¶2 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants respectfully submit that all claims are compliant with this section and paragraph of the Code.

In particular, the Office Action asserts:

“...the recitation ‘*wherein said clamped rectified voltage is a load*’ in claim line 12 of claim 1, in line 7 of claim 11, in line 10 of claim 17, and in line 6 of claim 18 renders the claim indefinite since it appears to be mis-descriptive. What is the load being referred to in the ballast circuit? What is the relationship between the clamped rectified voltage and the load?” (Emphasis in original).

The second paragraph of § 112 requires the specification of a patent to "conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." 35 U.S.C. § 112, P2 (2000). To satisfy this requirement, the claim, read in light of the specification, must apprise those

skilled in the art of the scope of the claim. *See Miles Lab. v. Shandon, Inc.*, 997 F.2d 870, 875 (Fed. Cir. 1993). Moreover, claims need not "be plain on their face in order to avoid condemnation for indefiniteness; rather, that the claims be amenable to construction, however difficult that task may be." The requirement to "distinctly" claim means that the claim must have a meaning discernible to one of ordinary skill in the art when construed according to correct principles. *Union Pac. Res. Co. v. Chesapeake Energy Corp.*, 236 F.3d 684, 692 (Fed. Cir. 2001); *Rosemount, Inc. v. Beckman Instruments, Inc.*, 727 F.2d 1540, 1547 (Fed. Cir. 1984). Only when a claim remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite. *Exxon Research & Eng'g Co. v. United States*, 265 F.3d 1371, 1375 (Fed. Cir. 2001).

Claim 1, for example, recites:

a power factor correction integrated circuit, and a line voltage sensing circuit in electrical communication with said power factor correction integrated circuit to apply a clamped rectified voltage to said power factor correction integrated circuit, wherein said clamped rectified voltage is a function of a load being applied by said inverter output stage to said power factor correction integrated circuit.

Applicants respectfully submit that the claim, when read in light of the specification, apprises one of ordinary skill in the art of the scope of the claim. Applicants direct attention to page 3, lines 16-30 of the filed application, which recites (with emphasis provided):

Determined by external ballast control signal VBCS, **the load applied by output stage 30 between intermediate terminals 13 and 14** varies within a wide load range. Those having ordinary skill in the art will appreciate that a total harmonic distortion ("THD") of ballast 10 increases with a decreasing load applied by output stage 30 between intermediate terminals 13 and 14.

In order to impede the increase in the THD of ballast 10 at the light load conditions, dimming interface 40 electrically communicate the dimming level signal VDL to input stage 20 and/or output stage 30 electrically communicates a conventional load feedback signal VFB to input stage 20. Both of these signals provide an indication of the **load being applied by output stage 30** between intermediate terminals 13 and 14. As will be explained in further detail herein with the description of FIGS. 2-4, input stage 20 adjusts a magnitude of a **clamped rectified voltage** applied to a multiplier input of **PFC IC 26** in order to impede an increase in the THD of ballast 10 as line voltage VIN approaches high line condition (e.g., 277V for universal input), and the load applied by output stage 30 between intermediate terminals 13 and 14 approaches the light load condition.

A review of this portion of the specification, and Figs. 1, 2 and 4 provide clarity and specificity to that which is recited in claim 1, for example. Notably, and in direct response to the questions raised in the rejection, Applicants note that the load applied to the output stage 30 in the ballast of claims 1, 11, 17 and 18 is described in connection with Fig. 1, for example. Furthermore, the magnitude of the clamped rectified voltage is adjusted and is applied to the power factor correction integrated circuit (PFC IC) 26 in a manner described in the captioned portion of the specification. The load applied by the output stage 30 between the intermediate terminals then approaches the light load condition.

Accordingly, Applicants respectfully submit claims 1, 11, 17 and 18, when read in light of the specification, apprise those skilled in the art of the scope of the claims and thereby are improperly rejected as being indefinite under 35 U.S.C. § 112, ¶2.

For at least the reasons set forth above, Applicants respectfully submit that the rejection of claims 1-18 is improper and should be withdrawn.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
Phillips Electronics North America Corp.

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